

### REMARKS

Claims 1-3, 5-10, 12-15 and 18 are pending in the application.

Claims 1-3, 5-10, 12-15 and 18 stand rejected.

Applicant has amended claims 1, 8 and 18 to clarify the claimed invention. For example, in claim 1, only the control signal transmission power is changed based on a value of the error rate.

Also claims 15 and 18 are amended to clarify these claims are not means-plus-function claims. Applicant submits that a control unit is well known in the art as a specific types of hardware elements, however to clarify applicant changes the control unit to a controller which includes well known hardware elements known in the art.

Claims 15 and 18 are rejected as single means claims. It is respectfully submitted that the claim limitations are not means plus function and recite a controller which is well known in the art. It is respectfully requested the rejection be withdrawn.

Claims 1-3, 5-10, 12-15 and 18 are rejected under 35 U.S.C. § 103(a) as unpatentable over the applicant's admitted prior art in view of Chen (U.S. 6,330,462).

Applicant's background of the invention discloses that an entire signal power is changed based upon an error rate. The background does not teach or suggest the changing of only the control signal or that the control signal and the data signal are controlled separately.

In reviewing the Chen reference and the sections pointed to in the Office Action, Chen discloses the changing the power but does not disclose any particular part of the signal is changed but seems to indicate the data signal power is changed depending upon the rate of transmission or possibly the error rate of the received data. Chen does not teach or suggest the changing of only the control signal or that the control signal and the data signal are controlled separately.

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In contrast applicant's claims 1, 8 and 18 describe in general controlling transmission power of only the control signal based on certain value of an error condition.

Claim 15 describes controller controlling transmission power of said control signal separately from transmission power of said data signal based on an error condition of said control signal received by said other communication apparatus.

AAPA also describes that the prior art is lacking because of the inability to control the transmit power of the control signal (page 6, lines 12-21).

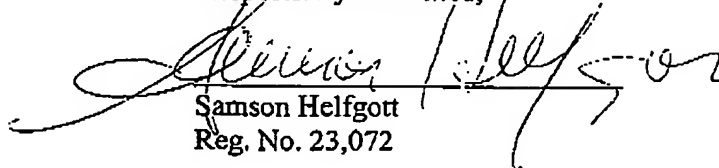
It is respectfully submitted no description could be found of applicant's claimed changing the transmission power of only the control signal based on the value of the error rate or controlling separately.

Because neither reference of the combination of references teaches or suggests the claimed feature, it is respectfully submitted the combination of references fails to teach or suggest all the claimed features and the claims should be allowed.

If it is felt that a further interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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